IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.261 OF 1997.

Akkatai Sadashiv Bhore : Appellant.

versus

M.S.R.T.C. Depot, Kurundwad

Depot, Satara & ors. : Respondents.

Mr.Nitin Mhatre i/by A.K.Abhyankar for the appellant.

Mr.Lokesh i/by G.S.Hegade for the respondent No.1

CORAM : D.G.DESHPANDE,J.

DATED : 13th APRIL 2005.

ORAL ORDER

1. Heard advocates for the appellant/claimant and respondent No.1. The appellant was one of the passengers of the bus. There was an accident between the bus and jeep. The appellant, who was sitting behind the seat of

the driver, sustained injury to her head. The Doctor examined her. Issued a certificate to the effect that "Clinically & Radiologically the appellant was having compression fracture of T12 vertebral body i.e. thoracolumbar spondylosis and she is having permanent disability of 10%".

2. However in spite of the aforesaid injury the tribunal awarded compensation of Rs.7,500/- only, whereas to the other injured who had received injury to his elbow in claim Petition NO.396/89 the tribunal awarded compensation of Rs.17,500/-. The approach of the tribunal does not appear to be proper, so far as the amount of compensation to the present appellant is concerned. In the circumstances, the appellant/claimant will be entitled to Rs.25,000/-. Hence the order :-

3. So far as interest part is concerned, the the advocate for the respondent No.1 relied upon the judgment of Supreme Court reported in 2001 ACJ 428 [Kaushnuma Begum and others v. New India Assurance Co. Ltd. and others] wherein it has been held by the Supreme Court that with a change in economy the banks have lowered the rates of

interest on fixed deposits. In that case also earlier 12% interest was awarded by the tribunal but the Supreme Court reduced it to 9%. In view of this judgment of the Supreme Court, the rate of interest has to be reduced and it should be 9% p.a. Hence the order:_-

:ORDER:

The appeal is partly allowed.

The respondents to pay Rs.25,000/- to the appellant with interest at the rate of 9% p.a.

[D.G.DESHPANDE]

13/04/2005 JUDGE.